R E M A R K S

Claims 1 – 20 are pending in the application. Claims 1-20 have been rejected under 35 U.S.C. § 102 in view of Herz (US Patent 5,754,939). Claims 3, 4, 7, 13, 14, 17, and 20 have been deleted. Claims 1, 2, 5, 6, 8-12, 15, 16, 18, and 19 have been amended. No new matter has been added. Applicant reserves the right to reintroduce claims of the original scope in a continuing application. Each of the amended claims are fully supported by the specification and within the scope of the original application.

Rejections to the Drawings:

Applicant will submit proper formal drawings once allowable subject matter in this application is approved by the Examiner.

Rejection to the Title:

As requested, the title has been amended so that it is clearly indicative of the invention to which the claims are directed.

Under 35 U.S.C. § 102(e):

The Examiner rejected claims 1-20 under 35 U.S.C. 102 as being disclosed in U.S. Patent No. 5,754,939 (hereafter referred to as 'Herz'.). The Applicant respectfully objects to Examiner's use of the cited prior art and asserts that Herz fails to teach every element of every claim. In light of the new and amended claims and remarks, the Examiner's 102 rejection is no longer proper.

A. Overview of Applicant's Invention

Applicant's invention offers the user a single centralized user profile that is easily accessible from anywhere, which takes the place of many user profiles set up and used by the user for various applications. Under Applicant's invention, the user has a user

profile made up of a set of attributes. Both the user profile and Activities (such as calendar information, e-mail messages, contact information, task info, or notes) are stored on a central database. The user can access this information anywhere via an Internet enabled device – such as with a Palm Pilot PDA or cell phone.

The user can set up the user profile so that a subset of the profile information can be shared with third parties. Third parties can be other users, or they can be merchants that offer products, services, and/or content. At any point, third parties can access the shared user profile from the central database to discover the user's upcoming Activities. The third parties can then deliver to the database relevant content. Later, the user can access this newly stored content. In the case of a PDA, for example, the user can synchronize the PDA so that both the PDA and the central database has a current version of the user profile information and the content.

As an example, the user may have a lunch date scheduled on her electronic calendar. This information is stored in the user's profile in a central database. The user may give permission for third parties to access this data. The restaurant, a friend, and a local arts magazine may all access the user's data from the database. Then the restaurant may transmit to the database an electronic coupon for a free dessert. The friend may transmit to the database a message that he will be in the restaurant's neighborhood for the afternoon and is available for coffee. The arts magazine may transmit to the database a recent review of the restaurant.

Later in the morning, the user may synch her PDA with the central database and thus move to the database her new appointments and contacts while moving to the PDA the content provided by the friend, the restaurant and the magazine.

B. An Overview of Herz

The Herz patent does not disclose any art that is similar to the components of Applicant's invention of sharing a user interface that is available from any Internet enabled device. It is true that Herz does relate to profiles. However, reading the entire disclosure however shows that Herz teaches quite a different application of profiles.

Specifically, in Herz, a "target profile" is generated for each object. Objects can include such items as news stories, websites, and other such text in the electronic media environment. A target profile often indicates the frequency of the words that appear in the target object. For example, for a certain target object, the target profile may show that the term "president" appears five times.

Herz also creates a "target profile interest summary" for the user, which describes "the user's interest level in various types of target objects." For example, a target profile interest summary may show that the associated user is very interested in "chess," "hunting," and "history" while moderately interested in "politics," and "biographies" while barely interested in "politics," and "cooking." The Herz invention uses a mathematically based "appropriateness function" to choose which news stories and other target objects to retrieve and display to the user. The invention intends to show only those target objects which are best suited to the user.

C. Cited Art Distinguished

Presently Applicant's claims can be grouped into three categories: (1) Claims 1-9 and 20 are recited as method claims for sharing a centralized profile; (2) Claim 10 is an apparatus for sharing a centralized profile; and (3) Claims 11-19 are computer program claims for sharing a centralized profile. As these three categories are highly related to one another, for simplicity, the following discussion will be directed to the method claims (claims 1-9 and 20). It is to be understood that the same arguments apply to the remaining claims.

Claim 1 has been amended to clarify the invention and to include new limiting elements. In light of the amended claim, Applicant respectfully submits that the 102 rejection based on the Herz patent is longer proper since it does not cover all claim elements. Applicant will now address each claim in turn.

Claim 1:

The Examiner has pointed to several sections of Herz to support his belief that Herz reads upon claim 1. A closer reading of Herz shows this to be inaccurate. The newly amended claim 1 includes nine elements, which can be summarized as:

(a) a user profile;

(b) a calendar, email, contact list, task list, and/or notes (hereafter "Activity");

(c) storing the user profile information and the Activity in a centralized, Internet-accessible database;

(d) user access to the database from an Internet enabled device so user can alter the profile and access the Activity;

(e) getting permission from the user to allow a third party to access a public portion of the user profile;

(f) granting the third party access to the public portion of the user profile;

(g) receiving content from the third party related to the Activity;

(h) storing the content in the database; and

(i) synching an Internet enabled device (such as a PDA) and the database so both contain copies of the third-party content and the current set of Activities (e.g., appointments, e-mails, addresses).

Element (b) of claim 1 is directed to an Activity, such as a calendar item, email, contact list, task list, and/or notes. Borrowing from the Microsoft world, such Activities are all items that can be created within Microsoft Outlook. The Examiner points to col. 7 lines 47-58, col. 17 lines 50-53, col. 29 lines 11-20 and 28-32, col. 63 lines 55-63 as support that Herz discloses such an Activity. But this is not the case. The column 7 reference cites a "system to filter electronic mail." This system is described starting at col. 61 line 56. Herz does not support providing an e-mail message to be an Activity for which a third party can supply related content. Rather, the filtering system at col. 61 inspects arriving e-mail messages and filters them by applying different actions. Some mail messages are automatically deleted, others are marked as urgent, while others are moved to certain file folders.

The column 17 reference states "if the target objects are electronic mail messages..." As explained above, in the Herz disclosure target objects are those items which are investigated by the system and are retrieved if they seem to be highly of interest to the user. This is not equivalent to the e-mail message as an Activity for which related content can be provided, as recited in Applicant's claim.

The column 29 reference states "The user's electronic mail address also uniquely identifies the user … such as username@gaol.com." Using e-mail addresses as identifiers of the user is not equivalent to the e-mail message as an Activity for which related content can be provided, as recited in Applicant's claim. The column 62 reference states "The system may notify the user of these relevant target objects by … e-mail." This is not the e-mail Activity as found in claim 1. ***Thus, the Herz reference fails to teach element (b) of Claim 1.***

Moving on to element (c) of Claim 1, the Examiner asserts that Herz teaches storing the user profile in a <u>centralized, Internet-accessible database</u>. Of the portions of Herz cited by the Examiner, the references in col. 6, 7, and 28 make no reference to such an accessible database and the col. 29 reference refers to a "mass storage system". At most, these references talk of a database. No mention is made of having the database be accessible over the Internet or configured to specifically store the various types of Activities. The Examiner especially points to col. 34, lines 32-37 as evidence of Herz' teaching. However, here Herz only deals with a CPU, main memory, disk storage and a database function "which retrieves the target profile interest summary." Such an interest summary is not a user profile containing information on emails, contact lists, and other Activities. Furthermore such a database function does not provide for wide access to the database through a Internet enabled device. ***Thus, the Herz reference fails to teach element (c) of Claim 1.***

Element (d) is the step of allowing access to the user profile and to alter the Activities from an Internet-enabled device. Column 34, cited by the Examiner, discloses a "database function which retrieves [a] summary … and performs bi-directional routing of commands, target objects, and billing information." Nothing in column 34 teaches the ability to access a <u>centrally located</u> profile to be able to <u>alter contact lists, appointments, and the like</u>. ***Thus, the Herz reference fails to teach element (d) of Claim 1.***

Elements (e) and (f) are directed to having the user designate a public <u>portion</u> of the central user profile that can be accessed by a third party and then granting such

access. Page 41 of the specification gives an example of such a public portion by illustrating that a hotel is then given access to a certain part of the consumer's profile that was previously specified." The Herz invention grants access to user information through the use of a pseudonym server. Such a server cloaks the user and her information under a false identifier, such as when a person uses a pen name to write a novel. The user in Herz can select which types of data received by third parties can pass through the pseudonym server and reach the actual user. This is not equivalent to the Applicant's invention in which the Applicant flags a portion of his or her user profile as being acceptable to release to a particular third party. ***Thus, the Herz reference fails to teach elements (e) and (f) of Claim 1.***

Element (g) is directed to receiving content from a third party, where the content is specifically related to an Activity. For example, the content is related to a future appointment, a contact in an address book, etc. The Examiner has not cited any portion of Herz in which the content is thus related to an Activity. Rather, the target objects of Herz are only related by containing words which were also popularly found in documents the user has previously read. The content (i.e., target objects) are not the <u>result</u> of a future lunch date, etc. ***Thus, the Herz reference fails to teach element (g) of Claim 1.***

Element (h) states that the content received by a third-party is stored in the Internet-accessible, central database. This allows the user to retrieve the content, along with the user's profile, from any Internet-enabled device from any location. ***The Herz reference fails to teach element (h) of Claim 1.***

Element (i) is the step of synchronizing the content and Activity data between the database and the PDA or similar device. The Examiner asserts that such synchronization is taught by Herz in col. 28, 55, and 30. The col. 28 reference is not directed to this activity at all. The col. 55 reference speaks of reconciling the data files referred in the disclosure as "F." Such a file "F" describes target objects (see, col. 53, lines 19-20). As discussed above, the target objects are news stories and other text items retrieved for the user; F files are not stored in a centralized database as required in claim 1.

Furthermore, while Herz does state in col. 55 that the F-data files "may then be reconciled by any method," the only methods disclosed are to replace all F-data files with the most recent version, or to annotate the F-data files with pointers to the other versions. As one skilled in the art will recognize, to "synchronize" does not mean to replace all files with the most recent version nor to annotate. Rather, when two versions of a file stored at different locations are synchronized, each record within the file is individually compared and the files are updated to contain the most recent version of each of the records. This is very different, and much more complex, than simply choosing the most recent file. ***The Herz reference fails to teach element (i) of Claim 1.***

While it is true that certain aspects of Claim 1 are not by themselves novel, such as a database on its own, or the act of synching in general, the nine step combination of using a database, a synchronizing function, a permission-granting function, and the like, to create a system that offers a **shared, centralized, user profile**, is novel. And therefore, Applicant requests that the 102 rejection for claim 1 be withdrawn.

Of course, as claims 2 through 9 and 20 all depend upon claim 1, now that is has been shown that claim 1 is patentable over Herz, the remaining claims are patentable as well. However, for further clarification, some of the Examiner's cited references for these dependent claims will be now be addressed.

Claim 2:

Claim 2 states that the third party is a merchant utilizing the user profile for offering a personalized service. Examiner's col. 45 and 46 citations relate once again to the pseudonym server of Herz. This server cloaks the user so that it is not identifiable to the merchant. In other words, while Applicant's invention allows a hotel merchant to offer a known customer, such as Mr. Robert Smith, a personalized service, the Herz invention only allows the same hotel merchant to offer anonymous people, disguised by the pseudonym server, discounts or other services. Since the hotel does not know exactly who is represented by the pseudonym, it therefore follows that the hotel does not offer a customized, personalized, service.

Examiner's col. 63 citation does not relate to a merchant offering specialized services to the user. Rather, col. 63 addresses how the Herz invention can "identify new or updated" content and then the Herz system itself (not a merchant) can notify the user of this new content.

Claim 5:

Claim 5 is directed to updating an application whenever the user's profile changes. Examiner's col. 6 citation only does not teach to update an application. Rather, it teaches the general invention of Herz in which the system matches users with content (i.e., target objects) through use profile summary information. The profile information summary is updated by the system as the user reads more content. Neither do the col. 7 and col. 30 citations address what is claimed in claim 5.

For clarity, claim 5 has been amended to point out that the application that is updated is a third-party application apart from the application of the present invention.

Claim 6:

The Examiner cites columns 7, 8, 28, 34, and figures 1 and 2 as evidence that Herz teaches "storing rules in the database indicative of information usage in the user profile information." A close reading of these sections shows this not to be correct. Columns 7 and 8 teach predicting information consumption patterns of the user to allow for pre-caching to minimize traffic flow. There is no use of rules nor of a database.

Column 28 states that statistical conclusions can be drawn from the database using knowledge discovery techniques. Such "knowledge discovery techniques" which are used to analyze a database are not "rules stored in a database."

Column 34 describes a CPU, main memory, secondary disk storage, network communication function and a database function. Such a "database function" is not "rules stored in a database."

Claim 8:

Column 74, lines 48-56 (cited by the Examiner) must be read in connection with column 74, lines 14-47 in order to place it in context. Here, the Herz invention reads each of the posted messages in a newsgroup and treats each message as a piece of

content. Then the invention can associate messages that share similar keywords. By doing this, the system can estimate a "pre-community" by inferring that the authors of messages that share similar keywords may themselves have similar interests and will put these people in contact with one another. Nothing in column 74 teaches grouping the user profile information that is stored in the database so that it is optimized for a third-party target application.
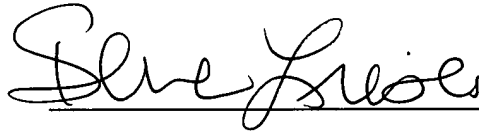
Claim 9:

The column 30 reference addresses computers, laptop computers and kiosks. The column 73 reference addresses the concept that Internet users can form *de facto* communities through the use of IRC, Internet phone or videoconferencing. Neither of these references speaks at all of using a centrally accessible profile in conjunction with: gas meters, electricity meters, televisions, smart cards, pocket organizers, personal digital assistants, vehicles, kitchen appliances, lights, security systems and home monitors.

Conclusion

In view of the foregoing, Applicant respectfully requests claims 1, 2, 5, 6, 8-12, 15, 16, 18, and 19 are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at 612-607-7508. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees including fees for any extension of time, to Deposit Account No. 50-1901 (Reference #AND1P030).

Respectfully submitted,

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IN THE SPECIFICATION

Please amend the title to read:

-- ~~SYSTEM, METHOD AND ARTICLE OF MANUFACTURE FOR ADVANCED INFORMATION~~

~~GATHERING FOR A UBIQUITOUS, VIRTUAL PROFILE SYSTEM~~ **SHARING A**

CENTRALIZED PROFILE --.

IN THE CLAIMS

Please delete claims 3, 4, 7, 13, 14, 17, and 20.

Please amend claims 1, 2, 5, 6, 8-12, 15, 16, 18, and 19 as follows:

(1) <u>(Twice Amended)</u> A method for ~~creating a user network interface~~ <u>sharing a</u>
<u>centralized profile</u>, comprising ~~the steps of~~:

(a) obtaining user profile information;

(b) obtaining at least one ~~of~~ <u>Activity from a user device, and wherein an Activity is</u> a
calendar, email, contact list, task list, <u>or note</u> ~~and notes from a user device~~;

(c) storing the user profile information and <u>the Activity</u> ~~the at least one of the calendar,~~
~~email, contact list, task list, and notes~~ in a centralized, Internet-accessible database;

(d) providing <u>a</u> user access to the database from an Internet enabled device for allowing
the user to alter the user profile information and <u>to</u> access the <u>Activity</u> ~~at least one of~~
~~calendar, email, contact list, task list, and notes~~;

(e) receiving permission from the user to allow a third party to access <u>a public subset of</u>
the user profile information;

(f) providing <u>the third party</u> access to the <u>public subset of the</u> user profile information on
the database ~~to the third party~~;

(g)____<u>receiving content from the third party related to the Activity;</u>

(h)____<u>storing the content from the third party in the database; and</u>

(i)   synchronizing the database and an Internet enabled device so that the database and the Internet enabled device both contain the content and the Activities previously stored either on the Internet enabled device or on the database.

2. (Twice Amended) The ~~A~~ method for ~~creating a user network interface~~ sharing a centralized profile as recited in claim 1, wherein the third party is a merchant utilizing the user profile information for offering a personalized service to the user.

5. (Amended) The ~~A~~ method for ~~creating a user network interface~~ sharing a centralized profile as recited in claim 1, ~~including~~ further comprising ~~the step of~~ updating ~~the~~ a ~~current~~ third-party application based on a change in the user profile information.

6. (Amended) The ~~A~~ method for ~~creating a user network interface~~ sharing a centralized profile as recited in claim 1, ~~including~~ further comprising ~~the step of~~ storing rules in the database indicative of information usage in the user profile information.

8. (Amended) The ~~A~~ method for ~~creating a user network interface~~ sharing a centralized profile as recited in claim 1, wherein the profile information is grouped in an optimal manner for a third-party target application.

9. (Amended) The ~~A~~ method for ~~creating a user network interface~~ sharing a centralized profile as recited in claim 1, wherein the Internet enabled device is a ~~devices comprise:~~ gas meter, electricity meter, telephone, television, computer, smart card, pocket organizer, personal digital assistant, vehicle, kitchen appliances, lights, security system ~~and~~ or home monitor.

10. (Twice Amended) A ~~apparatus~~ system that ~~creates~~ supports a shared centralized profile ~~an information summary~~, comprising;

(a) a processor;

(b) a memory that stores information under the control of the processor;

(c) ~~logic~~ a code segment that obtains user profile information;

(d) ~~logic~~ a code segment that obtains at least one ~~of~~ Activity from a user device, and wherein an Activity is a calendar, email, contact list, task list, or note ~~and notes from a user device~~;

(e) ~~logic~~ a code segment that stores the user profile information and the Activity ~~at least one of the calendar, email, contact list, task list, and notes~~ in a centralized, Internet accessible database; ~~and~~

(g f) logic a code segment that provides user access to the database from an Internet enabled device for allowing the user to alter the user profile information and to access the Activity at least one of the calendar, email, contact list, task list, and notes;

(h g) logic a code segment that receives permission from the user to allow a third party to access a public subset of the user profile information;

(h) a code segment that provides the third party access to the public subset of the user profile information on the database to the third party;

(i) a code segment that receives content form the third party related to the Activity;

(j) a code segment that stores the content form the third party in the database; and

(k) a code segment for synchronizing the database and an Internet enabled device so that the database and the Internet enabled device both contain the content and the Activities previously stored either on the Internet enable device or on the database.

11. (Twice Amended) A computer program embodied on a computer-readable medium that is executed by a computer to create creates a shared centralized profile an information summary, comprising:

(a) a code segment that obtains user profile information;

(b) logic a code segment that obtains at least one of Activity from a user device, wherein an Activity is a calendar, email, contact list, task list, or note and notes from a user device;

(c) a code segment that stores the user profile information and the Activity at least one of the calendar, email, contact list, task list, and notes in a centralized, Internet accessible database;

(d) a code segment that provides user access to the database from an Internet enabled device for allowing the user to alter the user profile information and to access the Activity at least one of the calendar, email, contact list, task list, and notes;

(e) a code segment that receives permission from the user to allow a third party to access a public subset of the user profile information;

(f) a code segment that provides access to the public subset of the user profile information on the database to the third party; and

(g) a code segment that receives content form the third party related to the Activity;

(h) a code segment that stores the content from the third party in the database; and

(i) a code segment that synchronizes the database and an Internet enabled device so that the database and the Internet enabled device both contain the content and the Activities previously stored either on the Internet enabled device or on the database.

12. (Twice Amended) A The computer program embodied on a computer-readable medium ~~that creates an virtual information summary~~ as recited in claim 11, wherein the third party is a merchant utilizing the user profile information for offering a personalized service to the user.

15. (Amended) The computer program embodied on a computer-readable medium ~~that creates an virtual information summary~~ as recited in claim 11, ~~including logic~~ further comprising a code segment that updates ~~the current~~ a third-party application based on a change in the user profile information.

18. (Amended) The computer program embodied on a computer-readable medium ~~that creates an virtual information summary~~ as recited in claim 11, wherein the profile information is grouped in an optimal manner for a third-party target application.

19. (Amended) The computer program embodied on a computer-readable medium ~~that creates an virtual information summary~~ as recited in claim 11, wherein the Internet enabled ~~devices comprise:~~ device is a gas meter, electricity meter, telephone, television, computer, smart card, pocket organizer, personal digital assistant, vehicle, kitchen appliances, lights, security system and home monitor.